

Local Agency Formation Commission  
Of Modoc County  
Regular Meeting

Minutes of December 13, 2011

**1. Call to Order:**

Chairman Bullock called the meeting to order at 5:00 pm, in the City Council Chambers, Alturas City Hall. Commissioners Dederick, Schreiber, Neer, Bullock and Allan were present. Commissioner Alternate Jerry Shea and Shorty Crabtree were also present, as well as City Public Works Director Chester Robertson and County Planning Director Kim Hunter.

Staff Present: John Benoit, Executive Officer and Stephanie Wellemeyer, Clerk

Pledge of Allegiance

**2. Approval of Agenda**

Commissioner Dederick made the motion to approve the agenda as submitted; seconded by Commissioner Schreiber. In favor: Unanimous.

**3. Correspondence**

Executive Officer Benoit will discuss those during his report.

**4. Approval of Minutes**

Commissioner Allan made the motion to approve the August 9, 2011 minutes as submitted; seconded by Commissioner Dederick. In favor: Commissioners Allan, Dederick, Schreiber and Bullock. Abstain: Commissioner Neer.

Commissioner Neer made the motion to approve the October 11, 2011 minutes as submitted; seconded by Commissioner Allan. In favor: Unanimous.

**5. Public Comment**

None.

**PUBLIC HEARING:**

**6. Consideration of a Sphere of Influence Amendment and Annexation for 31.73 acres to the Cedarville County Water District including portions of Assessor Parcel's 033-300-15, 027-080-07 & 04 and 027-120-10 & 14 to receive domestic water services. This project is located to the north of SR 299 and east of Main Street in Cedarville. (LAFCO project 2011-0001)**

- a. *Review Executive Officer's Report*
- b. *Consider proposed Resolution 2011-0009 approving a Sphere of Influence Amendment consisting of 31.73 acres into the Cedarville County Water District Sphere of Influence.*
- c. *Consider proposed Resolution 2011-0010 approving an Annexation consisting of 31.73 acres into the Cedarville County Water District.*

Chairman Bullock opens the public hearing at 5:06 p.m. Staff Report: Executive Officer Benoit states there a couple large parcels that won't be included in the annexation from their parcel split. We did a Sphere of Influence for the Cedarville Water District a few years ago, so we can make amendments. This doesn't include water storage issues, but at some time they may need to address that. He has worked with Assessor Cheri Budmark and believes they have fixed any parcel map issues. His recommendation is to adopt the resolution for the sphere of influence amendment and the annexation. Proponents: none. Opponents: none. Chairman Bullock closes the public hearing at 5:10 p.m.

Commissioner Allan made the motion to adopt the as suggested by Executive Officer Benoit the Resolution 2011-0009 approving a Sphere of Influence Amendment consisting of 31.73 acres into the Cedarville County Water District Sphere of Influence, and Resolution 2011-0010 approving an Annexation consisting of 31.73 acres into the Cedarville County Water District; seconded by Commissioner Schreiber. In favor: Unanimous.

## **7. LAFCo regular meeting schedule for Calendar year 2012**

### *a. Adopt regular meeting schedule for 2012*

Commissioner Dederick made the motion to adopt the regular meeting schedule for 2012 as presented; seconded by Commissioner Allan. In favor: Unanimous.

## **8. Ratify Claims for October 2011 and Authorize Payment of Claims for November 2011.**

### *a. Approve payment of expenses for November 2011 and ratification of the October 2011 expenses.*

Commissioner Allan made the motion to ratify the claims for October 2011 and authorize payment of claims for November 2011; seconded by Commissioner Neer. In favor: Unanimous.

## **9. Executive Officer's Monthly Report**

Executive Officer Benoit provided each Commissioner a copy of the LAFCo law which will take effect on January 1, 2012. He did send out the definitions in the packet, but he received the full body of the law and they will need to review some items at the beginning of the year. One is to review the disadvantaged communities and to work with them. Modoc isn't Kern County, we only have one city here and it'll have some effect on annexations if we find any disadvantaged communities.

Another bill that was passed was a bill stating we could authorize the dissolution of a district with an election. He gives Daphnedale Community Service District as an example, and states we need to get them back on the agenda to finish that issue.

The definitions in the LAFCo Act are much better, so anything that you believed before has probably changed. He was able to get some information on the Lassen/Modoc Flood control. It was formed to basically develop the Allen Camp Dam in the 60's. It is currently a nine member board, but with redistricting changes the Modoc board might want to petition to Lassen to make

this a 10 member board. Lassen will be asking for an exemption from the LAFCo purview. They meet once a year, but the district does have a lot of powers of things they can do. We can bring this up to take formal action on as to whether the LAFCos should have any regulatory actions over this.

He provides the Commissioners with a letter from the Dept. of Fish & Game regarding the fees for Negative Declarations which are continuously going up. These haven't been disputed. Up until 2007 the people could do an exemption stating there was no impact to the Fish & Game, however, they took that away and now all projects require payment for the Negative Declaration. Senator LaMalfa sponsored a bill to eliminate these fees and it died in committee.

Another fee is the Cal Fire rural fire fees. Governor Brown has appointed new people to the Board to review the SRA fee and the \$150 fee was approved. RCRC and CSAC are pretty upset with this and the State will get sued because they didn't meet the Prop 16 requirements. The benefit of the fee will be going elsewhere and not to the county.

Commissioner Bullock reports that the Governor has tasked the Board of Equalization to send out the bills for this and they are not ramped up for this. All appeals will also go to the BOE and Assemblyman Nielsen has asked people to appeal this to flood them with appeals. This will go to fire prevention within the general fund, not fire protection. They are still looking at barns and outbuildings for additional fees. Executive Officer Benoit states he has seen a bill proposed to repeal the fee, but he doesn't have much hopes for that to pass. Discussion includes the local agencies expanding the Local Response Areas but they must meet three specific requirements and not all departments will be able to that.

Commissioner Neer asks about the out structures and what the fees will be for those buildings. It is still very confusing and a work in process but the document states that there will also be a \$25 fee for each additional dwelling unit. Commissioner Allan reports that the last conversation he had with Assemblyman Nielsen was that the Howard Jarvis Taxpayers Association was working on a lawsuit against this.

## **10. Commissioner Reports - Discussion**

Commissioner Dederick would like to start the annexation process of properties into the City.

Commissioner Bullock attended the CSAC Conference and they have spent money to place an item on the ballot regarding realignment. The Governor has done the same but his bill will increase taxes. He thinks there will be a couple items on the ballot regarding Constitutional amendments.

There being no further business to come before this Commission; Commissioner Neer made the motion to adjourn the meeting; seconded by Commissioner Dederick. In favor: Unanimous

The next meeting will be held February 14, 2012 at 5:49 p.m.